



VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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**EXECUTIVE COMPLIANCE AGREEMENT
VIRGINIA DEPARTMENT OF CORRECTIONS
FOR
CAROLINE CORRECTIONAL UNIT #2
VPDES Permit No. VA0023329**

This is an Executive Compliance Agreement (Agreement) between the Virginia Department of Corrections (DOC) and the Virginia Department of Environmental Quality (DEQ) pursuant to the Director's authority, as set forth in §§ 10.1-1185, -1192, and § 62.1-44.15 of the Code of Virginia (Va. Code), to administer and enforce the State Water Control Law and regulations.

The Virginia Department of Corrections (DOC) owns and operates the Caroline Correctional Unit #2 Sewage Treatment Plant (STP)¹, located at 31285 Camp Road in Caroline County, Virginia (herein referred to as Facility). The Facility is a 0.037 million gallon per day (MGD) rated STP that treats and discharges treated domestic sewage, serving a population of approximately 200 (staff and inmates). Under VPDES Individual Permit No. VA0023329 (Permit), the Facility is authorized to discharge treated effluent from the STP to an unnamed tributary (UT) of Herring Creek, in strict compliance with the terms of the Permit. The current authorization to discharge was issued on January 1, 2016, with an expiration of December 31, 2020.

DEQ was notified of several unauthorized discharge events that occurred throughout 2018, which resulted in the discharge of approximately 22,422 gallons of partially treated wastewater (solids loss) from the Facility to a UT of Herring Creek. The four unauthorized discharge events reported by DOC that occurred at the Facility in 2018 included:

1. 11,600 gallons over a two day period starting May 18, 2018 (assigned Incident Response number [IR#] 2018-N-3178);

1. The Facility name as listed on the January 12, 2015 permit reissuance application submitted by DOC and the VA0023329 discharge permit issued by DEQ on January 1, 2016 is "Environmental Services Unit (ESU) / Caroline Correctional Unit #2."

2. 3,000 gallons on June 10, 2018 (assigned IR#2018-N-3428);
3. 5,400 gallons on August 12, 2018 (assigned IR#2019-N-0579); and
4. 2,422 gallons on October 12, 2018 (assigned IR#2019-N-1452).

In letter notifications sent to DEQ, DOC stated that the discharges were caused by hydraulic overloading of the treatment system due to heavy rainfall in the area, and large volumes of inflow and infiltration (I&I) in the collection system.

Permit Condition Part II.F states that “[e]xcept in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to: 1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or 2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.”

DOC submits monthly discharge monitoring reports (DMRs) to DEQ by the 10th of each calendar month to report monitored parameters in accordance with the Facility’s Permit. The concentration of ammonia reported on the April 2018 DMR exceeded the weekly concentration average maximum limit in the Permit. Additionally, the September 2018 DMR reported an exceedance of the monthly concentration average limit for *E. coli*.

Permit Condition Part I.A.1 requires that “[d]uring the period beginning with the permit’s effective date [January 1, 2016] and lasting until the expiration date [December 31, 2020], the permittee is authorized to discharge from Outfall Number 001. Such discharges shall be limited and monitored by the permittee as specified...”

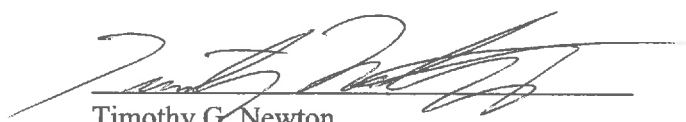
As a result of the observations listed above, DEQ issued a Notice of Violation (NOV) to DOC on December 28, 2018, after Warning Letters (WL) were issued in October and November 2018 and Permit noncompliance continued. The WLs and NOV issued to DOC were as follows:

1. WL No. W2018-10-1016 issued October 22, 2018;
2. WL No. W2018-11-N-1002 issued November 15, 2018; and
3. Referral NOV No. W2018-12-N-0001 issued December 28, 2018.

In DOC’s NOV reply dated January 11, 2019, DOC stated that the suspected source of the I&I issues was the area surrounding a sewage inlet pipe located within a vacant bar screen and sewage wet well. After the completion of repair and sealing work by a contractor, the Facility has not reported another unauthorized discharge event to date. DOC also stated that the Facility was planning to install a dial-up alarm system so Facility staff could be alerted of problems that occur outside of normal operating hours.

To bring these matters to resolution, the Virginia Department of Corrections and DEQ agree to the schedule of action in Appendix A.

This Agreement shall become effective upon the date of its execution by the Director of the Department of Environmental Quality or his designee. The Virginia Department of Corrections agrees to be bound by any compliance dates in this Agreement that may predate its effective date.



Timothy G. Newton
Director of Infrastructure and Environmental Management
Virginia Department of Corrections

5/2/19
Date



Thomas A. Faha, Regional Director
Department of Environmental Quality

5-14-19
Date



APPENDIX A

The Virginia Department of Corrections agrees to:

1. Within 90 days of the effective date of this Agreement, submit documentation to DEQ of the completion of the installation of an alarm system at the Facility, as described in DOC's letter response to DEQ dated January 11, 2019. The documentation submitted to DEQ should show that the alarm system has been tested for operation. The submitted documentation shall include at a minimum, any startup and initial operation/testing information, and a copy of the standard operating procedure (SOP), or similar document, that will be used and implemented by Facility staff for the proper operation of the alarm system.
2. By November 1, 2019, submit to DEQ a letter providing a status update and summary of the effectiveness of the performed corrective actions, and a discussion of any significant sources of I&I that have been identified and need to be addressed. This update shall include a discussion of any unauthorized discharged events that have occurred after the effective date of this Agreement and if or how the events are related to I&I and the Facility's performed corrective actions.

This status update shall include a recommendation from DOC to complete the Facility's return to compliance, including a request to terminate this Agreement if applicable and DOC has satisfied all requirements. Conversely, if any significant source of I&I is identified, or if unauthorized discharges occur that could have been prevented or it is reasonably within DOC's control to take action to prevent recurrence, then DOC shall perform Item No. 3 listed below.

3. If required in accordance with Item No. 2 listed above, By January 15, 2020, submit to DEQ a corrective action plan to bring the Facility into compliance with the Permit.

Correspondence required by this Agreement shall be submitted to:

Virginia Department of Environmental Quality
Northern Regional Office
Attention: Enforcement
13901 Crown Court
Woodbridge, VA 22193